

REMARKS

Claims 283-437 are presented above for further prosecution on the merits in this application. The previous claims (150-282) added by Applicants' March 5, 1996 Preliminary Amendment have been cancelled. It is believed that no new matter has been inserted by the newly presented claims, the basis for support being indicated below at some length. It is further believed that these new claims will place the application in allowable condition following the discussions held at the April 3, 1996 interview.

Before discussing new claims 283-437 and their support in the disclosure, Applicants' attorney would like to thank the Examiner for his courtesy which was extended at the April 3rd interview. New claims 283-437 have been largely drafted in accordance with the discussions held at the interview.

New claims 283-437 are directed to a composition of matter (claims 283-359), an article of manufacture (claims 363-362), a detection process (claims 363-410) and a kit (claims 411-437), in which more than one signalling entity is specifically recited. This recitation comports with the April 3rd interview discussion in which it was essentially agreed that "a bridging entity with multiple regions for signal probe hybridization would be distinct and patentable from Dunn et al. with Ward et al." See April 3, 1996 Examiner Interview Summary Record.

In addition, independent composition claims 283, 284, 287, 288, 291 and 293 (as well as the claims depending therefrom) recite a composition of matter in either two parts or three parts. These claims were also drafted in accordance with the April 3rd interview in which "[t]he possibility of a composition claim with possibly separate parts was discussed." See April 3rd Interview Summary Record. The basis for claiming a composition of matter in more than one part is well established in U.S. patent practice. Representative are the following eleven (11) U.S. patents in which claims have issued with similar, if not identical, language as in the instant composition claims. For the Examiner's convenience, a copy of each of these patents has been attached as Exhibits 1-11, respectively.

<u>Exhibit No.</u>	<u>Inventor</u>	<u>U.S. Patent No.</u>	<u>Claims/Recitation</u>
1	Palmer et al.	5,246,980	claim 1 ("two-part composition")
2	Wollard	5,212,231	claims 21-34 ("two-part curable liquid polysulphide resin composition")
3	LeCompte et al.	5,128,433	claim 1 ("two-part composition")
4	Beale	5,096,497	claim 1 ("two part composition")
5	Liu	5,079,098	claims 1-20 ("two-part composition")
6	Chanen et al.	5,068,114	claim 1 ("two space part composition claim 16 ("three-space part composition")
7	Okamoto et al.	5,066,743	claims 1-25 ("two-part composition")
8	Baines et al.	5,026,542	claims 1-6 ("two part composition")
9	Boettcher	4,168,363	claim 1 ("two-part composition")
10	Goudie et al.	4,083,951	claims 18-19 ("composition as claimed in claim 11 in the form of a two-part unit-dose composition")
11	Groves et al.	4,060,583	claims 1 and 7 ("two-part composition")

Accordingly, the "first part," "second part," and "third part" recitation in any of the claims 283, 284, 287, 288, 291 and 293 is fully supported both in the original disclosure and under U.S. patent practice as evidenced by the above submitted U.S. patents (Exhibits 1-11).

With respect to all of the newly presented claims (283-437), Applicants have taken the time and effort to prepare a summary table to show correspondence with the previously pending but now cancelled claims (150-282) from their March 5, 1996 Preliminary Amendment. It should be pointed out that a similar table was presented on pages 25-31 in the March 5th Preliminary Amendment. Resort to these pages may also be appropriate to new claims 283-437 in order to appreciate their support in the original disclosure which might not otherwise be directly found in cancelled claims 150-283.

<u>New Claims</u>	<u>Corresponding to Former Claims 150-282 (3/5/96 Prelim'y Amend't</u>	<u>Comments/Changes Support</u>
283	150	"or hybridizing with" inserted into molecular bridging entity (MBE); "one or more nucleic acid sequences or segments "substituted for "nucleic acid" in MBE second portion; "more than one signalling entity" substituted for "a signalling entity" (SE); "or hybridizing with" inserted into SE nucleic acid portion; & "one or more signal generating portions" (SGP) substituted for "a signalling generating portion"
284	201	Deletion of "a sample containing" in (a); "one or more" substituted for "a" molecularly recognizable portion (basis for "one or more" is in specification (page 12, line 5, thru page 13, line 4; see especially line 4 on page 13 (or any permutation or combinations thereof); Other changes follow those in claims 283 above
285	150	Formulation of the composition of matter as a "complex"; & Other changes follow those in claim 283 above
286	202	Deletion of "detectable" before "complex"; & Other changes follow those in claim 284 above
287	150	"more than one" MBE inserted for "a" MBE; Other changes follow those in 283 above
288	201	"one or more" substituted for "a" molecularly recognizable portion in the analyte; "more than one" MBE substituted for "a"

<u>New Claims</u>	<u>Corresponding to Former Claims 150-282 (3/5/96 Prelim'y Amend't</u>	<u>Comments/Changes Support</u>
		MBE; & Other changes follow those in claim 284 above
289	150	Same as claim 285 above except that "more than one" MBE is inserted
290	202	Same as claim 286 above except that "more than one" MBE is inserted
291	150	Same as claim 283 above except that "one or more polynucleotides...chemically modified or artificially altered" inserted for SGP. Basis for chemically modified or artificially altered polynucleotides is in specification (page 21, lines 7-10)
292	150	Formulation of the composition of matter of claim 291 as a "complex"; &
293	201	Other changes follow claim 291 above Changes follow claim 288 above except that "one or more polynucleotides... chemically modified or artificially altered" substituted for SGP
294	202	Changes follow 286 above except that "one or more polynucleotides... chemically modified or artificially altered" substituted for SGP
295	203	
296	204	
297	205	
298	206	
299	207	
300	208	Insertion of "a poly-purine, a poly-pyrimidine and an analog-containing polymer " Basis for insertion is in specification (page 15, lines 13, 14, 15)
301	157	
302	158	
303	159	
304	160	
305	161	
306	162	
307	163	

Pergolizzi et al.
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SUMMARY AND CONCLUSIONS

New claims 283-437 are presented above for further examination on the merits in this application.

The cost for presenting new claims 150-282 is \$7,536.00, which cost is based upon 21 independent claims [an excess of 12 (over the 9 previously paid for) X 78 = \$936], and a total number of 533 claims [300 claims in excess of the 233 previously paid for) X 22 = \$6,600]. The Patent and Trademark Office is authorized to charge the amount of \$7,536.00 to Deposit Account No. 05-1135. If any other fee is due in connection with the claims or this Preliminary Amendment, the cost of such other fee may also be charged to Deposit Account No. 05-1135.

Favorable action on this application and the new claims is earnestly sought.

If it would be helpful to the prosecution of the application, the undersigned may be contacted by telephone during the daytime business hours at (212) 856-0876.

Respectfully submitted



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